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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,884	12/18/2003	Walter Belchine III	14429	9706

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PAUL F. DONOVAN
ILLINOIS TOOL WORKS, INC.
3600 WEST LAKE AVENUE
GLENVIEW, IL 60025

EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3676

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/739,884

Applicant(s)

BELCHINE ET AL.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on March 3, 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1,5,7,9,11,12,14-16,18,19, and 21 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,167,779 to Sano et al (Sano).

Regarding claims 1 and 11, Sano discloses a door handle assembly comprising a housing (1) that includes a first outer wall (the opposing wall with respect to 5b, Figure 4), a second outer wall (over 5b, Figure 4), and a partition wall (5a) between said first and second outer walls. The partition wall defines a projection (6) extending toward the second outer wall.

The door handle assembly further comprises a latch handle (2) and a lock lever (15). The latch handle defines a latch handle aperture receiving the partitioned wall projection therein and the lock lever defining a lock lever aperture receiving the partitioned wall projection therein.

Sano also illustrates that the latch handle have an extension spanning the partition wall (Figure 4).

Sano also discloses that the lock lever is disposed in a chamber defined between the partition wall and the second outer wall. The latch handle has a panel extending

into the chamber. The lock lever is disposed between the panel and the second outer wall (Figure 4).

However, Sano fails to disclose that the latch handle and the lock lever define projections that will be received in apertures at the first and second outer walls.

Sano discloses that the latch handle and the lock lever define apertures that will receive projections defined at the first and second outer walls and that the apertures and the projections are in substantially axial alignment.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the projections defined at the latch handle and the lock lever, and have the apertures at the first and second outer walls, instead of the opposite, because a reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art that will not affect the mechanism.

As to claims 5 and 16, Sano illustrates that the lock lever (15) defining a ramp surface adjacent the lock lever aperture (Figures 3 and 4).

As to claims 7,9 and 18, Sano discloses that the projections and the outer walls where the lock lever is located have ramp surfaces that ease the assembly of the members.

As to claim 12, Sano discloses that assembly further comprises a spring (3) biasing the latch handle.

As to claim 14, Sano discloses that the assembly is capable of having a latch cable extending into the first chamber and connected to the latch handle.

As to claim 15, Sano discloses that the assembly is capable of having a lock cable extending into the second chamber and connected to the lock lever.

As to claim 19, Sano discloses that the apertures have enclosed sides.

As to claim 21, Sano discloses a method for assembling a vehicle door handle assembly.

4. **Claims 1,5,7,9,11,12,14,15,18,19, and 21 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,895,081 to Tanimoto et al (Tanimoto '081) in view of US Pat No 6,167,779 to Sano et al (Sano).

Regarding claims 1 and 11, Tanimoto '081 discloses a door handle assembly comprising a housing (2) that includes a first outer wall, a second outer wall (21 and 23), and a partition wall (22) between said first and second outer walls. The partition wall defines a projection (22a) extending toward the second outer wall.

The door handle assembly further comprises a latch handle (3) and a lock lever (4). The latch handle defines a latch handle aperture (312a) receiving a partitioned wall projection therein and the lock lever defining a lock lever aperture receiving the partitioned wall projection therein.

Tanimoto '081 also illustrates that the lock lever is disposed in a chamber defined between the partition wall and the second outer wall. The latch handle has a panel extending into the chamber. The lock lever is disposed between the panel and the second outer wall (Figure 3).

However, Tanimoto '081 fails to disclose that the latch handle and the lock lever defines projections that will be received in apertures at the first and second outer walls and that the latch handle have an extension spanning the partition wall.

Tanimoto '081 discloses that the latch handle and the lock lever define apertures that will receive projections defined at the first and second outer walls. The apertures and the projections are in substantially axial alignment.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the projections defined at the latch handle and the lock lever, and have the apertures at the first and second outer walls, instead of the opposite, because a reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art that will not affect the mechanism.

Sano illustrates that the latch handle have an extension spanning the partition wall (Figure 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a latch handle with an extension spanning the partition wall, as taught by Sano, into a device as described by Tanimoto '081, in order to support the latch handle to the partition wall.

As to claims 5,7,9 and 18, Tanimoto '081 fails to disclose that, at the lock lever, the projections and the outer walls defines ramp-like surfaces.

Sano teaches that is well known in the art to have a lock lever (15) defining a ramp surface adjacent the lock lever aperture (Figures 3 and 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have ramp surfaces at the lock lever, as taught by Sano, into a device as described by Tanimoto '081, in order to provide means for an easy assembly of the device.

As to claim 12, Tanimoto '081 discloses that the assembly further comprises a spring (6) biasing the latch handle.

As to claim 14, Tanimoto '081 discloses that the assembly includes a latch cable extending into the first chamber and connected to the latch handle.

As to claim 15, Tanimoto '081 discloses that the assembly includes a lock cable extending into the second chamber and connected to the lock lever.

As to claim 19, Tanimoto '081 discloses that the apertures have enclosed sides.

As to claim 21, Tanimoto '081, as modified by Sano, discloses a method for assembling a vehicle door handle assembly.

5. **Claims 6,8,10 and 17 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,167,779 to Sano et al (Sano), as applied to claims 1 and 11 above, and further in view of US Pat No 5,794,994 to Miyagawa et al (Miyagawa).

Sano fails to disclose that the second outer wall defines a ramp-like surface angling inwardly in the chamber.

Miyagawa teaches that it is well known in the art to have an outer wall (13) that defines a ramp-like surface angling inwardly in the chamber (Figure 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have ramp surfaces at the outer wall member, as taught by

Miyagawa, into a device as described by Sano, in order to provide means for an easy assembly of the device.

6. **Claims 6,8,10 and 17 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,895,081 to Tanimoto et al (Tanimoto '081) in view of US Pat No 6,167,779 to Sano et al (Sano), as applied to claims 1 and 11 above, and further in view of US Pat No 5,794,994 to Miyagawa et al (Miyagawa).

Tanimoto '081, as modified by Sano, fails to disclose that the second outer wall defines a ramp-like surface angling inwardly in the chamber.

Miyagawa teaches that it is well known in the art to have an outer wall (13) that defines a ramp-like surface angling inwardly in the chamber (Figure 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have ramp surfaces at the outer wall member, as taught by Miyagawa, into a device as described by Tanimoto '081, as modified by Sano, in order to provide means for an easy assembly of the device.

7. **Claim 13 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,167,779 to Sano et al (Sano), as applied to claim 11, and further in view of US Pat No 5,129,694 to Tanimoto et al (Tanimoto '694).

Sano fails to disclose that the assembly further includes a resilient bumper.

Tanimoto '694 teaches that it is well known in the art to have a door handle assembly that includes a resilient bumper (102).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a resilient bumper, as taught by Tanimoto '694, into a

device as described by Sano, in order to protect the handle from damage when the handle is operated.

8. **Claim 13 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,895,081 to Tanimoto et al (Tanimoto '081) in view of US Pat No 6,167,779 to Sano et al (Sano), as applied to claim 11, and further in view of US Pat No 5,129,694 to Tanimoto et al (Tanimoto '694).

Tanimoto '081, as modified by Sano, fails to disclose that the assembly further includes a resilient bumper.

Tanimoto '694 teaches that it is well known in the art to have a door handle assembly that includes a resilient bumper (102).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a resilient bumper, as taught by Tanimoto '694, into a device as described by Tanimoto '081, as modified by Sano, in order to protect the handle from damage when the handle is operated.

Response to Arguments

9. Applicant's arguments filed on March 3, 2005 have been fully considered but they are not persuasive.

Although there were no arguments presented by the applicant regarding the rejection in view of Sano, it was found that Sano could also read on claims 5,11,12,14-16 and 19, so an appropriate rejection to those claims has been made.

As to applicant's arguments that it would not be obvious to do any modification to the device presented by Tanimoto '081 in the manner as set forth in claims 1 and 11

(Page 8 Line 20), Tanimoto '081, as modified by Sano, discloses the invention as claimed.

As to applicant's arguments that Sano and Tanimoto '081 fails to discloses the new limitation presented in claim 21 that requires the housing with only 3 mounting members (Page 9 Line 9), Sano and Tanimoto '081 discloses the housing with only 3 mounting members.

Conclusion

10. Applicant's amendment, that the method requires that the housing only have 3 mounting members, i.e., the projection on the partition wall and the combination of holes and bosses as claimed in new claim 21 line 19, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3676

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058.

The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

May 9, 2005

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial "D".

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600